

90<sup>th</sup> Legislative Session – 2015

Committee: Senate Commerce and Energy

Tuesday, February 24, 2015

P - Present  
E - Excused  
A - Absent

Roll Call

P     Bradford  
P     Haggar (Jenna)  
P     Lederman  
P     Novstrup (David)  
P     Sutton  
P     Greenfield (Brock), Vice-Chair  
P     Curd, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Blake Curd, Chair.

MOTION:     TO APPROVE THE MINUTES OF 2/19/15

Moved by:     Sutton  
Second by:    Novstrup (David)  
Action:        Prevailed by voice vote.

OVERVIEW: Senate Bill 180 was previously heard on 2/12/15

SB 180: revise certain provisions regarding the production tax for wind energy facilities.

Proponents:   Brett Koenecke, Iberdrola Renewables, LLC  
                  Bill Van Camp, Nextera Energy Resources  
Opponents:    Hunter Roberts, Governor's Office

MOTION:     AMEND SB 180

180ra

On page 1 of the printed bill, delete lines 4 to 14, inclusive.

On page 2, line 3, delete "and prior to July 1, 2015".

On page 2, line 3, overstrike "two percent of the gross".

On page 2, line 4, overstrike "receipts of" and insert "\$.00040 per kilowatt hour of electricity produced by".

On page 2, line 4, overstrike everything after "." .

On page 2, overstrike lines 5 and 6.

On page 2, line 7, overstrike everything before "The" .

On page 2, delete lines 14 to 24, inclusive, and insert:

" Section 3. That § 10-35-22 be repealed.

~~—10-35-22. Any company requiring transmission lines or wind farm collector systems or both in South Dakota for a wind farm or a power generation facility as described in § 10-35-1.3, is eligible for a partial rebate of the tax paid under § 10-35-19. The company shall apply for the rebate on forms prescribed by the secretary. The total amount of tax rebated shall be no more than fifty percent of the cost of the transmission lines and wind farm collector systems in South Dakota.~~

~~—The maximum rebate any company may receive in one year is ninety percent of the tax paid under § 10-35-19 for the first five years and fifty percent of the tax paid under § 10-35-19 for the next five years. The secretary shall determine when the wind farm is commercially operational. No wind farm may receive a rebate under this section after this ten year period.~~

~~—The secretary shall rebate the tax from the wind energy tax fund prior to the distribution of any money as provided in § 10-35-21. The secretary may provide a tax credit, in lieu of full payment of the gross receipts tax, of up to eighty percent of the transmission rebate value that has been approved by the secretary. Any revenue in the wind energy tax fund after the rebates are paid shall be deposited in the property tax reduction fund."~~

On page 3, delete lines 1 to 17, inclusive.

Moved by: Greenfield (Brock)  
Second by: Haggar (Jenna)  
Action: Prevailed by voice vote.

**MOTION:** DO PASS SB 180 AS AMENDED

Moved by: Greenfield (Brock)  
Second by: Haggar (Jenna)  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Haggar (Jenna), Lederman, Novstrup (David), Sutton, Greenfield (Brock),  
Curd

HB 1236: revise certain provisions regarding commissions received by insurance producers.

Presented by: Representative Mathew Wollmann  
Proponents: Jerry Diamond, Independent Insurance Agents Of South Dakota  
Darla Pollman Rogers, Wellmark Blue Cross And Blue Shield  
Opponents: Larry Deiter, Department of Labor and Regulations

MOTION: AMEND HB 1236

1236cc

On page 1, line 12, of the House Commerce and Energy Committee engrossed bill, after " : "  
Insert "However, no insurance producer who is not appointed may act as an agent of an insurer. An insurer who pays a commission to an appointed insurance producer is not responsible for any act, statement, or omission made by an insurance producer who is not appointed, but who receives compensation from an appointed insurance producer.".

Moved by: Lederman  
Second by: Haggar (Jenna)  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1236 AS AMENDED

Moved by: Lederman  
Second by: Haggar (Jenna)  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Haggar (Jenna), Lederman, Novstrup (David), Sutton, Greenfield (Brock),  
Curd

MOTION: PLACE HB 1236 ON CONSENT CALENDAR

Moved by: Greenfield (Brock)  
Second by: Haggar (Jenna)

Action: Failed by voice vote.

MOTION: ADJOURN

Moved by: Lederman

Second by: Greenfield (Brock)

Action: Prevailed by voice vote.

Anna Wempe  
Committee Secretary

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R. Blake Curd, Chair